

Johnathan Gelinas

1

Volume: 1  
Pages: 1-15  
Exhibits: None

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE



Case No. 15-CV-00280-PB

- - - - - x

JONATHAN LEITE,

Plaintiff,

v.

MATTHEW GOULET, et al.,

Defendants.

- - - - - x

DEPOSITION OF JOHNATHAN GELINAS

August 30, 2017

1:33 p.m. to 1:43 p.m.

NORTHERN NH CORRECTIONAL FACILITY

138 East Milan Road

Berlin, New Hampshire

Reporter: Celeste A. Quimby, LCR No. 17

<p>1 I N D E X</p> <p>2</p> <p>3 WITNESS: Johnathan Gelinas</p> <p>4</p> <p>5 EXAMINATION: Page 4</p> <p>6 By Mr. King 4</p> <p>7</p> <p>8</p> <p>9</p> <p>10 EXHIBITS FOR IDENTIFICATION:</p> <p>11 None.</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>	<p>Page 2</p> <p>Page 4</p> <p>1 JOHNATHAN GELINAS</p> <p>2 having been duly sworn by the reporter,</p> <p>3 was deposed and testified as follows:</p> <p>4 EXAMINATION</p> <p>5 BY MR. KING:</p> <p>6 Q. You can have a seat. You occupied Cell 9</p> <p>7 on F block on August 24th, 2012, correct?</p> <p>8 A. Yeah, I think so.</p> <p>9 Q. And was your cellmate at that time Ryan</p> <p>10 Elliott?</p> <p>11 A. I can't remember. A lot of cellmates.</p> <p>12 Q. Yeah. Now, Jonathan Leite was assaulted</p> <p>13 in your cell on August 24th, 2012; is that right?</p> <p>14 A. Again, I just can't say for sure.</p> <p>15 Q. You don't know?</p> <p>16 A. No.</p> <p>17 Q. Okay. Were you present at any time when</p> <p>18 the assault was going on?</p> <p>19 A. I was on the pod, yeah.</p> <p>20 Q. I'm sorry, you were where?</p> <p>21 A. I was on the unit at the time, yeah.</p> <p>22 Q. Yeah. And do you recall Jonathan being</p> <p>23 in your cell for about an hour and 40 minutes?</p>
<p>Page 3</p> <p>1 A P P E A R A N C E S</p> <p>2 For the Plaintiff:</p> <p>3 DOUGLAS, LEONARD &amp; GARVEY, P.C.</p> <p>4 By: Benjamin T. King, Esq.</p> <p>5 14 South Street, Suite 5</p> <p>6 Concord, NH 03301</p> <p>7 (603) 224-1988</p> <p>8 benjamin@nhlawoffice.com</p> <p>9 mdouglass@nhlawoffice.com</p> <p>10</p> <p>11 For the Defendant:</p> <p>12 NEW HAMPSHIRE DEPARTMENT OF JUSTICE</p> <p>13 OFFICE OF THE ATTORNEY GENERAL</p> <p>14 By: Lynmarie C. Cusack, Esq.</p> <p>15 Francis K. Fredericks Jr., Esq.</p> <p>16 33 Capitol Street</p> <p>17 Concord, NH 03301</p> <p>18 (603) 271-3658</p> <p>19 lynmarie.cusack@doj.nh.gov</p> <p>20 francis.fredericksjr@doj.nh.gov</p> <p>21</p> <p>22</p> <p>23</p> <p>STIPULATIONS</p> <p>It is agreed that the deposition shall be taken in the first instance in stenotype and when transcribed may be used for all purposes for which depositions are competent under the Federal Rules of Civil Procedure.</p> <p>Notice, filing, caption, and all other formalities are waived. All objections except as to form are reserved until the time of trial.</p> <p>It is further agreed that if the deposition is not signed within thirty (30) days after submission to counsel, the signature of the deponent is waived.</p>	<p>Page 5</p> <p>1 A. No, I don't.</p> <p>2 Q. Do you recall how long Jonathan was in</p> <p>3 your cell?</p> <p>4 A. I didn't even know he was there.</p> <p>5 Q. Where were you at the time on the unit?</p> <p>6 A. Can I ask you something? I don't even</p> <p>7 know what all this is about. I just got</p> <p>8 subpoenaed to talk to you --</p> <p>9 Q. Yeah. Yeah.</p> <p>10 A. -- for Leite versus Goulet. Like, I</p> <p>11 don't know what any of this is about.</p> <p>12 Q. No, I'm happy to give you some</p> <p>13 explanation.</p> <p>14 A. I had some legal ramifications because of</p> <p>15 all this and, you know, it wasn't in my favor, so</p> <p>16 I don't know why I'm sitting here now.</p> <p>17 Q. Okay.</p> <p>18 A. I think that's all -- it should be taken</p> <p>19 care of by now.</p> <p>20 Q. Yup. You're sitting here because you're</p> <p>21 a witness. You're not a party. You're not being</p> <p>22 sued.</p> <p>23 A. Okay.</p>

<p style="text-align: right;">Page 6</p> <p>1 Q. There are -- nobody is seeking to get 2 anything from you. There are no consequences to 3 you as a result of this. Mr. Leite has brought 4 suit against certain correctional officers, and 5 the claim is that they failed to protect him from 6 the -- failed to adequately protect him. So 7 because you were -- because the attack happened in 8 your cell, we're seeking to gain information from 9 you, not about who did it. I don't care who did 10 it, but how long it went on, you know, if you were 11 there, and whether any correctional officers went 12 through on rounds while it was going on. 13 <b>A. Wouldn't that be on the camera?</b> 14 Q. Yeah, it was. 15 <b>A. As far as the whole incident, everything</b> 16 <b>was done to hide it from the cops. I don't see --</b> 17 <b>I don't feel the cops did anything wrong at all.</b> 18 <b>We took as much care as we could to avoid the cops</b> 19 <b>finding out. They did everything that they were</b> 20 <b>supposed to do, as far as I'm concerned. And</b> 21 <b>they're not my best friends. You know what I</b> 22 <b>mean? So they didn't do anything wrong that day.</b> 23 Q. Okay. What did you do to prevent the COs</p>	<p style="text-align: right;">Page 8</p> <p>1 Q. So after the assault was over, why did 2 Jonathan remain in your cell, Jonathan Leite? 3 <b>A. Because he was dizzy, disoriented. If I</b> 4 <b>let him out of the cell, then the cops would know</b> 5 <b>what was going on. He hung out in my cell many</b> 6 <b>times. So him being in my cell at the point</b> 7 <b>wouldn't draw suspicion. He was sleeping on the</b> 8 <b>bunks. So I let him stay in my room, you know,</b> 9 <b>and just -- I literally put him in bed. He looked</b> 10 <b>just like a sleeping inmate. You know, there was</b> 11 <b>no -- nothing to tip off anybody that he was in</b> 12 <b>danger or anything like that.</b> 13 Q. But you had a cellmate at that time who 14 was not Jonathan Leite, right? 15 <b>A. Um-hum.</b> 16 Q. Yes? 17 <b>A. Um-hum.</b> 18 Q. Okay. And where -- 19 <b>MS. CUSACK:</b> If you could just -- just 20 verbalize "yes" if that's what you're -- 21 <b>THE WITNESS:</b> Sure. Sorry. Yes. 22 <b>MS. CUSACK:</b> Thank you. 23 <b>THE WITNESS:</b> All right.</p>
<p style="text-align: right;">Page 7</p> <p>1 from finding out? 2 <b>A. Well, afterward, I made it look like he</b> 3 <b>was sleeping on my bed, like he was anybody else.</b> 4 <b>There wasn't any blood or any -- blood or anything</b> 5 <b>around that could tip the cops off or anything</b> 6 <b>like that. We cleaned the areas up, and just made</b> 7 <b>it look like he was sleeping. The cops did</b> 8 <b>everything they were -- they did their rounds.</b> 9 <b>They talked to people on the unit that day.</b> 10 <b>There's a health and welfare check they do every</b> 11 <b>hour, and they couldn't have known anything was</b> 12 <b>going on that day.</b> 13 Q. All right. Well, how -- the video shows 14 Jonathan Leite entering your cell at 2:39 p.m. and 15 exiting the cell at 4:20 p.m. 16 <b>A. Um-hum.</b> 17 Q. For what period of time did the assault 18 itself go on? 19 <b>A. Couple minutes. Wasn't even. Wasn't</b> 20 <b>very long at all. Wasn't long at all. People on</b> 21 <b>the pod couldn't even say it was going on. I --</b> 22 <b>they didn't know it was going on. It happened</b> 23 <b>quick. You know, minutes.</b></p>	<p style="text-align: right;">Page 9</p> <p>1 <b>MS. CUSACK:</b> Thank you. 2 Q. BY MR. KING: Where was your cellmate? 3 <b>A. In and out. In bed, not in bed. There</b> 4 <b>was a lot of activity that day. So I mean he was</b> 5 <b>around.</b> 6 Q. Okay. So while Jonathan Leite was 7 sleeping in bed, you and your cellmate were also 8 in and out of the cell; is that right? 9 <b>A. Yeah.</b> 10 Q. All right. Jonathan Leite is shown 11 leaving your cell at 4:20 p.m. 12 <b>A. Um-hum.</b> 13 Q. And he's shown on the video -- 14 <b>A. Stumbling out?</b> 15 Q. Yes. 16 <b>A. Um-hum.</b> 17 Q. And so why did he leave your cell at 18 4:20? 19 <b>A. Because count was coming. So he needed</b> 20 <b>to be out of there for count.</b> 21 Q. Count was at 5:00, right? 22 <b>A. About that. I don't know. They changed</b> 23 <b>it from back then.</b></p>

1 Q. So when count was coming, did you wake  
2 him up or was he awake?  
3 A. He was awake but, like I said,  
4 disoriented. He wasn't aware of his surroundings  
5 that much.  
6 Q. Now, Jonathan entered your cell wearing  
7 a white T-shirt.  
8 A. And green pants. He left wearing gray  
9 shorts.  
10 Q. Yeah. How did that happen?  
11 A. I changed him because he was wet from the  
12 ice. We were trying to keep him cool. He had a  
13 head injury, so we wanted to keep him cool, awake.  
14 So his shirt got wet. There wasn't any real  
15 blood. He puked. So we had to clean up.  
16 Q. He vomited in your cell?  
17 A. (Nods head affirmatively.)  
18 Q. Yes?  
19 A. Yes.  
20 Q. Okay.  
21 A. Like I said, every precaution was taken  
22 to -- for the cops not to notice. Everything we  
23 could do. We threw everything away that we could.

1 We flushed. Every piece of evidence that would  
2 lead the cops to knowing something was wrong was  
3 gone, you know what I mean? That was the whole  
4 point of hiding it from them. There was nothing  
5 they could have done at that point.  
6 Q. Do you recall, I don't know if you  
7 witnessed it or not, but Jonathan Leite vomiting  
8 from his bunk --  
9 A. Yeah.  
10 Q. -- onto the floor?  
11 A. Yeah.  
12 Q. And did someone clean that up?  
13 A. Yeah, somebody did. Yeah.  
14 Q. An inmate?  
15 A. I think so. I'm not sure. Somebody did  
16 clean it up, so the cops wouldn't see it.  
17 Q. So someone cleaned it up before rounds?  
18 A. Yeah.  
19 MR. KING: All right. Thank you for your  
20 time.  
21 THE WITNESS: All right. You're welcome.  
22 MS. CUSACK: Sir, I have one question for  
23 you. Just one.

1 EXAMINATION  
2 BY MS. CUSACK:  
3 Q. When you say the word "cops," you mean  
4 COs?  
5 A. Correctional officers, yeah.  
6 MS. CUSACK: Thank you.  
7 A. As far as I'm concerned, they -- there  
8 was nothing they had -- they did their jobs as  
9 best they could. Like I said, Jonathan Leite  
10 looked like he was a sleeping inmate, you know  
11 what I mean? I noticed on rounds that the cops,  
12 they talked to people. They were -- they -- you  
13 know, if they could have done something, they  
14 could have -- they would have. As far as I'm  
15 concerned, they did everything they could have  
16 done, you know what I mean? So we took every  
17 precaution for them to not see it, you know, to  
18 get away with it, so -- yeah. All right.  
19 MR. KING: Thank you, sir.  
20 MS. CUSACK: Thank you.  
21 THE WITNESS: Have a good day.  
22 MS. CUSACK: You have a good day too.  
23 (Deposition concluded at 1:43 p.m.)

1 CERTIFICATE OF WITNESS  
2  
3 I, Johnathan Gelinas, have read the  
4 foregoing transcript of deposition taken on  
5 Wednesday, August 30, 2017, at the Northern NH  
6 Correctional Facility, Berlin, New Hampshire, and  
7 do hereby swear/affirm it is an accurate and  
8 complete record of my testimony given under oath  
9 in the matter of Leite v. Goulet, et al.,  
10 including any and all corrections that may appear  
11 on those pages denoted as "Corrections."  
12  
13 \_\_\_\_\_  
14 Johnathan Gelinas  
15 STATE OF \_\_\_\_\_  
16 COUNTY OF \_\_\_\_\_  
17  
18 Subscribed and sworn to before me this \_\_\_\_\_ day  
19 of \_\_\_\_\_, 2017.  
20  
21 \_\_\_\_\_  
22 Notary Public \_\_\_\_\_ J.P. \_\_\_\_\_  
23 My Commission Expires: \_\_\_\_\_

1       CORRECTION AND SIGNATURE PAGE  
2       **DEPOSITION:** Johnathan Gelinas  
3       **DATE OF DEPOSITION:** August 30, 2017  
4       PAGE LINE       NOW READS       SHOULD READ  
5       \_\_\_\_\_  
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20      Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2017.  
21  
22      \_\_\_\_\_  
23      Johnathan Gelinas

1                   C E R T I F I C A T E  
2       I, Celeste A. Quimby, a Licensed Court  
3       Reporter of the State of New Hampshire, do hereby  
4       certify that the foregoing is a true and accurate  
5       transcript of my stenographic notes of the  
6       deposition of Johnathan Gelinas, who was first  
7       duly sworn, taken at the place and on the date  
8       hereinbefore set forth.  
9       I further certify that I am neither attorney  
10      nor counsel for, nor related to or employed by any  
11      of the parties to the action in which this  
12      deposition was taken, and further that I am not a  
13      relative or employee of any attorney or counsel  
14      employed in this case, nor am I financially  
15      interested in this action.  
16      THE FOREGOING CERTIFICATION OF THIS TRANSCRIPT  
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23                   CELESTE A. QUIMBY, LCR No. 17

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